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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,575	05/20/2002	Hiroyuki Segawa	113184-067	8726
29175	7590	05/27/2004	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			NGUYEN, KIMBINH T	
			ART UNIT	PAPER NUMBER
			2671	7

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/019,575

Applicant(s)

SEGAWA ET AL.

Examiner

Kimbinh T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 14--26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 14-26 are pending in the application.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 14-16, 18-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Yasumitsu et al. (Kawasaki Heavy IND LTP; Publication number 2000-194736; published 14-7-2000).

**Claim 14**, Yasumitsu et al. teaches displaying an object (model 5 is displayed on a display screen 3 of drawing 1); an object tool representing the displayed object which is adapted to be manipulated in 3D such that the position and orientation of the object

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tool can be changed (a simulation working machine tool 6 of drawing 1); an editing tool adapted to be manipulated in 3D such that a relative position between the editing tool and the object tool can be changed (a simulation processing tool); detecting relative position information corresponding to the relative position between the editing tool and the object tool, executing the editing tool to modify attribute information (texture, color, pattern) of the displayed object on the basis of the detected relative position information, thereby altering the appearance of the displayed object (see claims 7-12).

**Claim 15**, Yasumitsu et al. teaches the processing means is configured to detect position of the object tool based on changes in the position and orientation of the object tool to modify attribute information of the displayed object on the basis of the detected relative position information, thereby altering the appearance of the displayed object (claims 7-12).

**Claim 16**, the rationale provided in the rejection of claim 14 is incorporated herein.

**Claim 18**, Yasumitsu et al. teaches the attribute information of the displayed object is shape, color and sound (texture (related to sound), color and pattern (see paragraph 0039)).

**Claim 19**, Yasumitsu et al. teaches executing a functional operation of the displayed object by the editing tool (see abstract).

**Claim 20**, the rationale provided in the rejection of claim 14 is incorporated herein. In addition, Yasumitsu et al. teaches updating the appearance of the displayed

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object based on the modified attribute information (texture, color, pattern; see paragraph 0039).

**Claims 21-25**, the rationale provided in the rejections of claims 15-20 are incorporated herein.

**Claim 26**, the rationale provided in the rejection of claim 20 is incorporated herein. In addition, Yasumitsu et al. teaches a computer readable medium (portable record medium 16 of a floppy disk; see paragraph 0036; drawing 3).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasumitsu et al. (Kawasaki Heavy IND LTP; Publication number 2000-194736; published 14-7-2000) in view of Miwa et al. (5,418,712).

**Claim 17**, Yasumitsu et al. does not teach relative distance and relative angle; however, Miwa et al. teaches the relative position includes relative distance between the object tool and the editing tool and a relative angle between the object tool and editing tool (col. 16, line 30 through col. 17, line 30; figs. 12 and 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the relative position information (positional vector) taught by Miwa into the

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method of operating a simulation working machine tool of Yasumitsu's system for modeling 3D object, because it would provide a manipulation performance evaluating apparatus for evaluating a manipulation performance of an evaluated commodity is easily evaluated even though a size of the commodity is changed (col. 3, lines 26-29).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimbinh T. Nguyen whose telephone number is (703) 305-9683. The examiner can normally be reached on Monday to Thursday from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Friday from 7:00 AM to 3:30 PM.

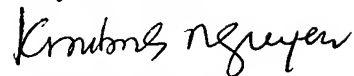
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached at (703) 305-9798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Kimbinh Nguyen". The signature is written in a cursive, flowing style.

Kimbinh Nguyen  
Patent Examiner AU 2671